IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1485 OF 2007
IN
SUIT NO.1114 OF 2007

Mr.Jairam Bhikaji Magam. ..Plaintiff.

V/s.

Mr.Lav Jairam Magam & Anr. ..Defendants.

Mr.Sunil More for plaintiff.

Mr.S.S.Joshi for defendant No.1.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 16, 2007.

P.C. :

1. Counsel appearing for the defendant No.1 states on instruction that the plaintiff being father is staying with defendant No.1 in the disputed premises. Defendant No.1, who is present in the Court assures through counsel that he will not obstruct the plaintiff from occupying the suit premises in any manner. That assurance is accepted. The defendant No.1 further assures through counsel that he will not create third party interest in the suit property or dispose of the same during the pendency of the suit without taking prior permission of this Court. The defendant No.1 further reiterates that he will permit the plaintiff to occupy the suit

premises alongwith him and will not interfere with his peaceful enjoyment thereof during his life time and in any case, during the pendency of the suit. Even this assurance is accepted.

2. In view of the undertakings given by the defendant No.1 as recorded earlier, which are accepted herein, nothing survives for consideration in the present Motion. Motion is disposed of on the above terms, which arrangement will continue till the pendency of the suit.

3. Counsel for the plaintiff at this stage submits that in the past the defendant No.1 has unduly harassed the plaintiff. In view of the statement made by the defendant No.1, as recorded earlier, no further orders are necessary in this case. In any case, it will be open to the plaintiff to take out appropriate application, as may be advised, if and when occasion arises. That application will be considered on its own merits in accordance with the law.